

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRAKASH MELWANI,

Plaintiff,

v.

AMAZON.COM, INC., et al.,

Defendants.

CASE NO. C21-1329RSM

ORDER DENYING PLAINTIFF’S
MOTION TO COMPEL

This matter comes before the Court on Plaintiff Prakash Melwani’s Motion to Compel Discovery, Dkt. #86. This case was originally filed in another district on November 19, 2020. Dkt. #1. It was transferred here on September 29, 2021. Some of Plaintiff’s claims survived two motions to dismiss, and an Amended Complaint was filed on April 17, 2022. *See* Dkts. #46, #49, and #56. According to this Court’s Scheduling Order, discovery Motions were due August 21, 2023. Dkt. #66. Discovery was to be completed by September 18, 2023. *Id.*

The briefing indicates discovery did not go smoothly. For a variety of reasons, some discovery materials were not produced until the very last day of the discovery period. *See* Dkt. #101-1. This is an unfortunate but not entirely irregular occurrence in civil litigation.

That same day, September 18, 2023, Plaintiff filed a Motion to Compel that was struck by the Court for failure to satisfy Local Civil Rule 37(a)(1)’s meet-and-confer requirement. Dkt. #85. The instant Motion was filed a month later, on October 16, 2023.

The instant Motion does not address its’ untimeliness. *See* Dkt. #86. In Response, Defendant Amazon’s first sentence is “[Plaintiff] brings this motion eight weeks too late.” Dkt.

1 #99 at 1. Amazon points out that it has already filed a Summary Judgment Motion on October
2 18, 2023, which was in fact the last day for it to do so according to the deadline set by the Court.
3 *Id.*; *see also* Dkt. #66. The Summary Judgment Motion is now fully briefed and ready for the
4 Court's consideration.

5 In his Reply brief, Mr. Melwani responds to Amazon's accusation of untimeliness mainly
6 by listing his frustrations with Amazon in getting full and complete responses to his discovery
7 requests. *See* Dkt. #101. He attacks Amazon for continuing to object to his discovery requests
8 but does not adequately explain why he waited nearly a month to re-file this Motion to Compel
9 and never sought an extension of the case deadlines. He acknowledges that he is no stranger to
10 civil litigation, having represented himself in at least 14 lawsuits. *Id.* at 5.

12 The Court concludes that the instant Motion is properly denied as untimely. As an initial
13 matter, Plaintiff should have included his timeliness arguments in his Motion so that Amazon
14 could respond to specific points. Even if the Court considers his Reply brief arguments on this
15 topic, Mr. Melwani fails to demonstrate diligence in filing the instant Motion or otherwise
16 seeking help from the Court as soon as possible to avoid prejudice to Defendant Amazon in
17 briefing its dispositive Motion. Ultimately, this Motion will be denied because Mr. Melwani has
18 not demonstrated good cause to deviate from the case deadlines.

20 Having reviewed the briefing, along with the remainder of the record, the Court hereby
21 finds and ORDERS that Plaintiff Melwani's Motion to Compel Discovery, Dkt. #86, is DENIED.

22 DATED this 8th day of January, 2024.

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25 RICARDO S. MARTINEZ
26 UNITED STATES DISTRICT JUDGE
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